IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
Civil Application No. 930 of 2003
In
Review Petition St.No.19403 of 2002

Sambhaji Maruti Patil & Ors. .. Petitioners
Vs.
Jaysingrao Balwantrao Sawant & Ors... Respondents
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Shri S.S.Patwardhan for the petitioners.
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CORAM : R.M.S.KHANDEPARKAR, J

DATED : 7TH APRIL, 2006

P.C.

1. This is an application for condonation of delay of 76 days in filing the review petition. Only ground disclosed for delay in filing the review petition is that the applicant was not present in the Court on the date when the second appeal was heard and disposed of and he came to know about the same, some time in the month of May, 2002 about dismissal of the second appeal. The facts in that regard stated in paragraph 3 read thus:-

"That the petitioners state that petitioner

> no.1 had come to Mumbai on 1st May, 2002 and on his trip to his Advocate he made enquiries about the progress in his second appeal with his Advocate. The petitioner no.1 was informed that the second appeal was already dismissed on 14th January, 2002."

Obviously, the petitioners were not diligent in keeping track of the second appeal in the Court or even to have necessary contact with their advocate. It is not for the advocate to run after the clients. The clients must keep proper contact with their advocate/s to know about the proper progress of the proceedings. Merely because the petitioner No.1 happened to be in Mumbai in the month of May, 2002, he contacted his advocate and thereby he came to know about the dismissal of the second appeal. It apparently discloses that the petitioners were not diligent in pursuing with the matter, though their advocate has taken every step to contest the proceedings on their behalf. Mere absence of the party on the date of the judgment and merely because the petitioners came to know about the dismissal of the second appeal some time in the month of May, 2002, that cannot be a sufficient cause for condonation of delay in filing the review petition either for the

parties in the review petition or otherwise. Being so, the ground on which the delay is sought to be condoned is unsustainable, and therefore, the application is rejected.

(R.M.S.KHANDEPARKAR, J)